

claims to the elected species, Applicants traverse this requirement. Such a requirement would be improper, for the reasons stated in MPEP §803.02, first paragraph. Upon a finding that the elected species is patentable, the search should be extended to cover the non-elected species.

REMARKS

The Examiner has made Claims 1-39 subject to a restriction requirement under 35 U.S.C. 121.

The Examiner states that searching all the claimed compounds would constitute an undue burden on the Examiner because different structure and sequence searches would be required for each of the claimed sequences. Examiner further states that Applicant is required under § 35 U.S.C. 121 to elect a single disclosed sequence, even though this requirement is traversed. Applicants submit that under MPEP 2434, the restriction requirement rules of 35 U.S.C. 121 and 37 CFR 1.141 have been partially waived, allowing Applicants to have up to 10 independent and distinct nucleotide sequences in a single application examined without restriction. Thus, Applicants are allowed, to a limited extent, to have, for example:

R - γ -Glu - Pro - Leu - Gly - Xp1 - Tyr - Leu - A;
R - γ -Glu - Pro - Leu - Gly - Xp1 - Xp2 - Leu - A;
R - γ -Glu - Pro - Xa2 - Gly - Xp1 - Tyr - Leu - A; and/or
R - γ -Glu - Pro - Xa2 - Gly - Xp1 - Xp2 - Leu - A.

Furthuremore, Applicants submit that they should be are allowed to have chemically modified amino acids of SEQ. ID. NO. 186, for example : alkylated serine and/or modified serine and not be restricted to Ser(O-benzyl); proline mimetics and/or modified prolines in addition to Pro; etc.

Applicants submit that the reasons offered by the Examiner are not sufficient to support a conclusion that all of the sequences are patentably distinct and/or that a serious burden is placed on the Examiner if restriction is not required. Therefore, Applicants respectfully request partial withdrawal of the restriction requirement.

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The application is now believed to be in condition for examination on the merits and notification thereof is respectfully requested.

For the above reasons, Applicants submit that the restriction by the Examiner is improper and request that the restriction be withdrawn or reconsidered.

Respectfully submitted,



Date: Sept 16, 2002

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